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7 **CHANG SU-O LIN, HONG LIEN LIN**
8 **AND HONG YAO LIN**

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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
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14 **TOLL BROTHERS, INC.,**
15 **Plaintiff,**

16 **vs.**

17 **CHANG SU-O LIN, HONG LIEN**
18 **LIN AND HONG YAO LIN,**
19 **Defendants.**

20 **RELATED –CROSS CLAIMS**
21
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No. C08 00987 SC

ASSIGNED FOR ALL PURPOSES
TO: HON. SAMUEL CONTI
COURTROOM 1

STIPULATION TO MODIFY THE
JULY 25, 2008 STATUS
CONFERENCE ORDER TO MODIFY
THE DEADLINE TO COMPLETE
DISCOVERY AND THE LAST DATE
TO HEAR MOTIONS

Action Filed: 2-19-08

23 This Stipulation is made and entered into by and between Toll Brothers, Inc.,
24 (“Toll”) and Chang Su-O Lin, Hong Line Lin, and Hong Yao Lin (collectively
25 hereinafter referred to as the Lins) through their respective counsel, and is made in
26 reference to the following facts:

27 1. On October 7, 2008, Toll filed a Second Amended Complaint,
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1 which asserted a new declaratory relief cause of action alleging that the March
2 27, 2004 purchase agreement that is the subject of this lawsuit is void.

3 2. In response, on October 27, 2008, the Lins filed an Answer to the
4 Second Amended Complaint, and Counter-Claims. The Lins' Answer to the
5 Second Amended Complaint and Counter-Claims, included four new affirmative
6 defenses, and three new causes of actions for fraud, negligent misrepresentation,
7 and breach of the covenant of good faith and fair dealing. These newly added
8 causes of action expand the factual issues for discovery.

9 3. The parties desire to keep the February 20, 2009 pre-trial conference
10 and March 9, 2009 trial date set by the court in its Status Conference Order of
11 July 25, 2008, but modify the date for completion of discovery and the last date
12 for hearing motions.

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by
14 the parties through their counsel of record hereto, that:

15 4. The last day to complete discovery be continued from January 9,
16 2009 to January 23, 2009;

17 5. The last day to hear motions be continued from January 23, 2009 to
18 February 6, 2009;

19 6. The parties shall disclose their expert witnesses on December 15,
20 2008, by listing the name and address of each expert, the qualifications of each
21 expert, and a brief narrative of the general substance of the expected testimony
22 for each expert. The expert witness reports required by Federal Rule of Civil
23 Procedure Rule 26(2)(B) will be exchanged on December 23, 2008;

24 7. Any rebuttal expert witnesses and their reports will be exchanged on
25 January 9, 2009;

26 8. The parties respectfully request that this Court approve their
27 stipulation to modify the deadline to complete discovery and the last date to hear
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1 motions for the March 9, 2009 trial date, and modify its status order accordingly.

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3 November 12, 2008

McNICHOLS BEERS LLP

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6 By: 

Randy Sullivan

7 Attorneys for Defendants/Counter-Claimants
8 Chang Su-o Lin, Hong Lien Lin,
9 and Hong Yao Lin

10 November 12, 2008

KASOWITZ, BENSON, TORRES &
FRIEDMAN LLP

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12
13 By: 

Christopher J. McNamara

14 Attorneys for Toll Brothers, Inc.

ORDER

Good cause appearing and based upon the foregoing Stipulation;

IT IS ORDERED that the Court's July 25, 2008 Status Conference Order be modified as follows:

1. All discovery shall have been completed and all depositions taken by January 23, 2009;
2. The last hearing date for motions, to be noticed in accordance with Civil Local Rule 7-2, is February 6, 2009;
3. The parties shall disclose their expert witnesses on December 15, 2008, by listing the name and address of the expert, the qualifications of each expert, and a brief narrative of the general substance of the expected testimony for each expert. The disclosure of expert witness reports required by Federal Rule of Civil Procedure Rule 26(2)(B) will be exchanged on December 23, 2008;
4. Any rebuttal expert witnesses and their reports will be exchanged on January 9, 2009;
5. The remainder of the July 25, 2008 Status Conference Order shall remain in effect.

Dated: 11/14/08.

